

BRUCE PROVDA, ESQ.
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Counsel for Defendant
Natalia Pesin

Civil Action#1:16-cv-04472(ENV)(CLP)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
PRINCIPAL LIFE INSURANCE COMPANY,
Plaintiff,

-v-

NATALIA PESIN,
Defendant.

ANSWER ON BEHALF OF
DEFENDANT NATALIA PESIN
AND A COUNTER CLAIM BY
THE DEFENDANT NATALIA PESIN

-----X

Defendant Natalia Pesin, hereinafter "Defendant", by and through her Counsel Bruce Provda, Answering the Complaint of the Plaintiff, states as follows:

1. Admits to decretal paragraph number "1" of the Complaint.
2. Denies the allegations in decretal paragraph numbered "2" of the complaint as Defendant has done nothing to cause a action to be taken against her by the Plaintiff.
3. Admits to decretal paragraph number "3" of the Complaint.
4. Admits to decretal paragraph number "4" of the Complaint.
5. Admits to decretal paragraph number "5" of the Complaint.
6. Admits to decretal paragraph number "6" of the Complaint.
7. Admits to decretal paragraph number "7" of the Complaint.
8. Admits to decretal paragraph number "8" of the Complaint.
9. Admits to decretal paragraph number "9" of the Complaint.

10. Admits to decretal paragraph number "10" of the Complaint.
11. Admits to decretal paragraph number "11" of the Complaint.
12. Admits to decretal paragraph number "12" of the Complaint.
13. Denies the allegations as to decretal paragraph number "13" of the Complaint.
14. Admits to decretal paragraph number "14" of the Complaint.
15. Admits to decretal paragraph number "15" of the Complaint.
16. Admits to decretal paragraph number "16" of the Complaint.
17. Admits to decretal paragraph number "17" of the Complaint.
18. Admits to decretal paragraph number "18" of the Complaint.
19. Admits to decretal paragraph number "19" of the Complaint.
20. Admits to decretal paragraph number "20" of the Complaint.
21. Admits to decretal paragraph number "21" of the Complaint.
22. Admits to decretal paragraph number "22" of the Complaint.
23. Admits to decretal paragraph number "23" of the Complaint.
24. Admits to decretal paragraph number "24" of the Complaint.
25. Admits to decretal paragraph number "25" of the Complaint.
26. Admits to decretal paragraph number "26" of the Complaint.
27. Admits to decretal paragraph number "27" of the Complaint.
28. Admits to decretal paragraph number "28" of the Complaint.
29. Admits to decretal paragraph number "29" of the Complaint.

30. Admits to decretal paragraph number "30" of the Complaint.
31. Admits to decretal paragraph number "31" of the Complaint.
32. Admits to decretal paragraph number "32" of the Complaint.
33. Admits to decretal paragraph number "33" of the Complaint.
34. Admits to decretal paragraph number "34" of the Complaint.
35. Admits to decretal paragraph number "35" of the Complaint.
36. Admits to decretal paragraph number "36" of the Complaint.
37. Admits to decretal paragraph number "37" of the Complaint.
38. Admits to decretal paragraph number "38" of the Complaint.
39. Admits to decretal paragraph number "39" of the Complaint.
40. Admits in part and Denies in part as to decretal paragraph numbered "40", specifically Denies **"...in furtherance of her plan to defraud Principal Life,..."**
41. Admits to decretal paragraph number "41" of the Complaint.
42. Admits to decretal paragraph number "42" of the Complaint.
43. Admits to decretal paragraph number "43" of the Complaint.
44. Admits to decretal paragraph number "44" of the Complaint.
45. Admits to decretal paragraph number "45" of the Complaint.
46. Admits to decretal paragraph number "46" of the Complaint.
47. Admits to decretal paragraph number "47" of the Complaint.
48. Admits to decretal paragraph number "48" of the Complaint.
49. Admits to decretal paragraph number "49" of the Complaint.

- 50. Denies as to decretal paragraph number "50" of the complaint
- 51. Admits to decretal paragraph number "51" of the Complaint
- 52. Denies as to decretal paragraph number "52" of the complaint
- 53. Denies as to decretal paragraph number "53" of the complaint
- 54. Denies as to decretal paragraph number "54" of the complaint.
- 55. Denies as to decretal paragraph number "55" of the complaint.
- 56. Admits the allegations as to decretal paragraph numbered "56" of the complaint.

AS TO THE FIRST COUNT OF THE COMPLAINT

- 57. Repeats and reiterates each and every response numbered "1" thru "56" with full force and effect.
- 58. Denies the allegations as to decretal paragraph numbered "58" of the complaint.
- 59. Denies the allegations as to decretal paragraph numbered "59" of the complaint.
- 60. Denies the allegations as to decretal paragraph numbered "60" of the complaint.
- 61. Denies the allegations as to decretal paragraph numbered "61" of the complaint.
- 62. Denies the allegations as to decretal paragraph numbered "62" of the complaint.

AS TO THE SECOND COUNT OF THE COMPLAINT

- 63. Repeats and reiterates each and every response numbered "57" thru "62" with full force and effect.

- 64. Denies the allegations as to decretal paragraph numbered "64" of the complaint.
- 65. Denies the allegations as to decretal paragraph numbered "65" of the complaint.

AS TO THE THIRD COUNT OF THE COMPLAINT

- 66. Repeats and reiterates each and every response numbered "63" thru "65" with full force and effect.
- 67. Denies the allegations as to decretal paragraph numbered "67" of the complaint.
- 68. Denies the allegations as to decretal paragraph numbered "68" of the complaint.

AS TO THE FOURTH COUNT OF THE COMPLAINT

- 69. Repeats and reiterates each and every response numbered "66" thru "68" with full force and effect.
- 70. Admits to the allegations as to decretal paragraph numbered "70" of the complaint.
- 71. Admits to the allegations as to decretal paragraph numbered "71" of the complaint.
- 72. Denies the allegations as to decretal paragraph numbered "72" of the complaint.
- 73. Denies the allegations as to decretal paragraph numbered "73" of the complaint.
- 74. Denies the allegations as to decretal paragraph numbered "74" of the complaint.

AS TO THE FIFTH COUNT OF THE COMPLAINT

- 75. Repeats and reiterates each and every response numbered "69" thru "74" with

full force and effect.

- 76. Admits in part and Denies in part to the allegations as to decretal paragraph numbered "76" of the complaint.
- 77. Denies the allegations as to decretal paragraph numbered "77" of the complaint.
- 78. Denies the allegations as to decretal paragraph numbered "78" of the complaint.
- 79. Denies the allegations as to decretal paragraph numbered "79" of the complaint.
- 80. Denies the allegations as to decretal paragraph numbered "80" of the complaint and refers all legal issues to this Honorable Court.
- 81. Denies the allegations as to decretal paragraph numbered "81" of the complaint and refers all legal issues to this Honorable Court

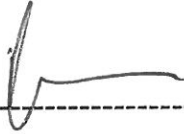
AS A COUNTERCLAIM AGAINST THE PLAINTIFF

- 82. The Defendant for her Counterclaim repeats and reiterates all admissions previously admitted to.
- 83. The Defendant on December 14, 2009 applied for a Disability Policy, "Policy", from the Plaintiff.
- 84. Defendant answered all questions asked by the Plaintiff to obtain said Policy.
- 85. Defendant submitted all medical authorizations and financial documents to the Plaintiff that was requested.
- 86. Plaintiff investigated the Defendant's request for said Policy.
- 87. Plaintiff, after reviewing and vetting the application of the Defendant, awarded to the Plaintiff on January 27, 2010, a Disability Policy bearing Policy#77211256.

88. That the Defendant continuously and timely paid all premiums asked for by Plaintiff.
89. Plaintiff accepted all premiums paid by the Defendant.
90. That more than 2 years had passed since the Policy was issued, and no action was taken by the Plaintiff to void the policy issued-see decretal paragraph 38 of the complaint sub- paragraph "Time Limit on Certain Defenses"
91. Defendant was never asked nor questioned at anytime by the Plaintiff as to any answers provided, documents provided or health records/authorizations provided.
92. Defendant did not act in any fraudulent manner toward Plaintiff.
93. Plaintiff, after Defendant made a claim for the Policy on January 4, 2016, Plaintiff entered into an investigation.
94. Plaintiff's were under a duty of honesty, good faith and fair dealing with the Defendant.
95. Plaintiff's failed to act as afore indicated in decretal paragraph "94" of Defendant's Counterclaim.
96. That Plaintiff's have breached their obligation to act honestly and in good faith and fair dealing.
97. Plaintiff's actions to disclaim the Defendant's claim for disability and void her policy, *ab initio*, is a willful breach of contract.
98. Plaintiff has been materially damaged by the actions committed by the Plaintiff.

WHEREFORE, it is respectfully requested of this Honorable Court, that the Action commenced by the Plaintiff and the sundry reliefs sought by them be denied and this Court grant Defendant's Counterclaim and find that the Defendant did not commit fraud against the Plaintiff; that Defendant did not misrepresent any pertinent facts or statements that would call for the Plaintiff to void her Disability Claim *ab initio* and find that Policy issued by the Plaintiff to the Defendant is valid and in full force and effect and the monies due her should be paid forthwith, with interest, costs and disbursements and attorney fees.

Dated: September 28, 2016
Queens, NY



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